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Via Certified Mail, Return Receipt Requested

Regional Freedom of Information Officer
U.S. EPA, Region 10
Office of Ecosystems, Tribal and Public Affairs
1200 Sixth Avenue, ETPA-124
Seattle, Washington 98101

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

This is a request for documents and information pursuant to the Freedom of Information Act, 5 U.S.C. § 552, made on behalf of Citizens Against the Barge Terminal (CABT). CABT is a non-profit corporation working to protect the Columbia River and associated riparian areas, businesses, and neighborhoods from Columbia River Carbonates' proposal to build a barge terminal at 1903 Dike Road in Woodland, Washington. CABT's mailing address is 1881 Dike Road, Woodland, Washington 98674. CABT does not intend to sell or otherwise make a profit from any documents disclosed in connection with this request, and does not intend to use disclosed information for commercial purposes.

As required by the FOIA, please provide copies of all documents and information that were received or generated by the U.S. Environmental Protection Agency after January 1, 2012, and that relate to Columbia River Carbonates' proposal to build a barge terminal at 1903 Dike Road in Woodland, Washington. This request includes all documents and information in whatever form or location it has been recorded or retained, including but not limited to: correspondence sent or received; memoranda; informal and formal policy guidance; numerical data; telephone conversation notes; meeting attendance lists; meeting notes; maps; agreements; contracts; electronic mail and attachments; assessments; spreadsheets; analyses; reports; draft documents; recommendations; electronic data; and any other responsive documents. This request includes all documents and information at any other office of the U.S. Environmental Protection Agency.

If you have documents that meet the terms of this request but believe they are not disclosable, please provide a list of such documents and an explanation of any such determination on your part. Also, please indicate if and where you have redacted any information from disclosed documents and/or if you do not have any of the information or documents requested.

Because CABT is a non-profit, public interest organization, I hereby request a waiver of any fees associated with this request, pursuant to EPA regulations. The FOIA requires agencies to waive fees associated with a request for information if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. See 5 U.S.C. §552(a)(4)(A)(iii). The fee waiver provisions of the FOIA are to be liberally construed and applied. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). A fee waiver is appropriate here because disclosure of the requested information is in the public interest: it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of CABT.

First, this request seeks documents that directly concern identifiable operations and activities of the federal government. The requested documents relate to how EPA is engaging with the U.S. Army Corps of Engineers as that agency implements the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, as well as the environmental review provisions of the National Environmental Policy Act and the Endangered Species Act. For responsive documents or information developed outside of the government, responsive documents will inform how EPA and the Corps are carrying out their regulatory, enforcement, and other activities. Clearly the requested documents and information concern identifiable operations and activities of the federal government.

Second, disclosure of the requested documents and information will contribute to, and significantly further, public understanding by informing a reasonably broad audience of persons interested in the barge terminal project. EPA's and the Corps' review of Columbia River Carbonates' permit applications and related environmental review processes are current, ongoing processes of interest to a variety of state and federal agencies, including the Washington Department of Fish and Wildlife, the Washington Department of Ecology, the Washington Department of Natural Resources, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. The barge terminal project is also very important to the public in Woodland, Washington. Because the requested documents are not already in the public domain, and because CABT intends to use the requested documents to inform its advocacy and comments on any and all proposed agency actions regarding the proposed barge terminal, disclosure will necessarily lead to better understanding of EPA's and the Corps' regulatory activities. Given the complexity of the legal issues and the scarcity of publicly available information, the public's understanding of government operations will be significantly greater after disclosure of the requested documents.

CABT has the ability and intention to disseminate disclosed documents and information. CABT intends to communicate disclosed information to its members as it advocates against the barge terminal and as it prepares comments on any proposed agency actions to approve the terminal. CABT communicates regularly with its members and, via the press, with the broader southwest Washington public. Additionally, CABT maintains a website through which it posts documents and communicates information to interested citizens and the public (www.cabt.info). CABT intends to review and publicize some of the disclosed information through its website so the public, CABT's members, interested agency officials, and the press can easily access documents and information about the proposed barge terminal.

CABT also intends to publicize some of the disclosed information through public testimony and its work with state and federal agencies. Since learning of the proposed barge terminal CABT has regularly participated in public processes involving related environmental issues. CABT expects to use disclosed information to educate agency officials and others about the environmental impacts of the proposed barge terminal. CABT also intends to communicate disclosed information to its friends in the non-profit community because doing so will enhance the level of public understanding about the relevant government operations. For these reasons, disclosing the requested documents will significantly further public understanding of EPA's and the Corps' regulatory activities by helping inform a reasonably broad audience of interested persons.

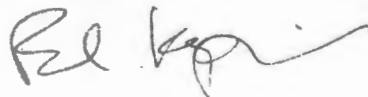
Finally, disclosure is not primarily in the commercial interest of CABT. As a non-profit organization, CABT has no commercial interest that could be furthered by disclosure. CABT does not intend to sell the requested documents once obtained, nor does CABT expect to disseminate the information in any way that would directly generate funds for CABT. Instead, CABT seeks the information to help educate the public, state and federal agencies, and interested non-profit organizations. Even if CABT had a commercial interest, disclosure is not primarily in that interest; rather, CABT's primary interest in the requested documents is to allow it to better understand EPA's regulatory activities as they relate to review of Columbia River Carbonates' permit applications.

Accordingly, please waive all fees associated with the search, review, and production of documents and information responsive to this request. Should you decide a fee waiver is inappropriate for all responsive documents, please grant the waiver for each document meeting EPA's regulatory criteria. Alternatively, please let me know if it is possible to minimize or eliminate fees by reviewing documents before obtaining copies, by obtaining documents from the internet, or by having documents transferred to CDs instead of copied onto paper. If you deny the fee waiver in whole or in part, please contact me with an estimate of likely fees before incurring any charges.

Please contact me if you have any questions about this request, particularly about the scope or identity of the documents requested. You can reach me at the email address or phone number in the letterhead or by mail at 615 Second Avenue, Suite 360, Seattle, Washington 98104. Finally, although I will manage communications concerning this request, please send all materials that are responsive to this request to CABT at 1881 Dike Road, Woodland, Washington 98674.

Thank you for your assistance with this matter.

Kampmeier & Knutsen, PLLC



By: _____
Paul A. Kampmeier